

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS DAY,

Defendant.

NO. CR20-200-RSM

ORDER

On October 15, 2020, this Court set a trial date of February 8, 2021, for the above-referenced action. Dkt. 29. Pursuant to General Order 15-20 and earlier General Orders of the United States District Court for the Western District of Washington addressing measures to reduce the spread and health risks from COVID-19, which are incorporated herein by reference, the Court hereby FINDS as follows:

1. In light of the recommendations made by the Centers for Disease Control and Prevention (CDC) and Public Health for Seattle and King County regarding social distancing measures required to stop the spread of this disease, it is not possible at this time to proceed with a jury trial in the immediate future.
2. Further, as stated in General Order 15-20, limiting the size and frequency of gatherings remains critical to preventing serious illness and death from COVID-19. The continuing public health situation resulting from the pandemic also limits

1 the availability and ability of witnesses, counsel, and Court staff to be present in
2 the courtroom, and the ability to obtain an adequate spectrum of jurors to proceed
3 with in-person jury trials. For the foreseeable future, it will be possible to proceed
4 with only one in-person criminal jury trial at a time at each of the district's two
5 courthouses. A continuance of the trial date in this case until February 8, 2021, is
6 therefore necessary to allow the appropriate spacing of trials.

- 7 3. As a result, the failure to grant a continuance of the trial date in this case would
8 likely result in a miscarriage of justice. Pursuant to 18 U.S.C. § 3161(h)(7)(A),
9 the ends of justice served by continuing the trial in this case outweigh the best
10 interest of the public and the defendant to a speedy trial.

11 IT IS HEREBY ORDERED that the time between September 22, 2020 (the original
12 date of the status conference with the Court) and the new trial date of February 8, 2021 is
13 excluded in computing the time within which trial must commence because the ends of
14 justice served by granting this continuance outweigh the best interest of the public and the
15 defendant in a speedy trial, 18 U.S.C. § 3161(h)(7)(A). Failure to grant this continuance
16 would likely make trial impossible and result in a miscarriage of justice, and would deny
17 counsel for the defendant and government counsel the reasonable time necessary for
18 effective preparation, taking into account the exercise of due diligence. *Id.* §
19 3161(h)(7)(B)(i), (iv).

20 Dated this 15th day of October, 2020.

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22 RICARDO S. MARTINEZ
23 CHIEF UNITED STATES DISTRICT JUDGE
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